



02 - 28 - 01

CPA/3739/16  
#27/41

Express Mail Mailing Label No. EL327518605US

## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX,  
if applicable:  
 DUPLICATE

**ADDRESS TO:** Box CPA  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Attorney Docket No.

BSC-011

First Named Inventor

Crowley

Examiner Name

D. Shay

Group Art Unit

3739

RECEIVED  
MAY 2 2001  
MAIL ROOM

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08/922,263,  
filed on September 2, 1997, entitled Interventional Photonic Energy Emitter System.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is (1) a utility or plant application that was filed under 35 U.S.C. 111(a) before May 29, 2000, and is complete as defined by § 1.51(b); (2) a design application that is complete as defined by § 1.51(b); or (3) a national stage of an international application that was filed under 35 U.S.C. 363 before May 29, 2000, and is in compliance with 35 U.S.C. 371. A notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on, or after June 8, 1995.

03/06/2001 LFULTON 00000005 00000001 08922263

01 FC:103 140.00 CH  
**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered.

1.  Enter the unentered amendment previously filed on January 29, 2001 under 37 CFR 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3. 
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent is enclosed.
5.  Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations

03/06/2001 08922263 08922263

01 EC:124

02 EC:122

03 EC:122

04 EC:122

710.00 C2

160.00 EP

20.00 EP

20.00 EP

	(1) CLAIMS	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	43 - 20 =	13	x \$ 18 =	\$ 234.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	5 - 3 =	2	x \$ 80 =	\$ 160.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 270 =	\$
				BASIC FEE (37 CFR 1.16(a))	\$ 710.00
			Total of above Calculations =		\$ 1,104.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$
				TOTAL =	\$ 1,104.00

6.  Small entity status:

- a.  Applicant claims small entity status.
- b.  was established in the prior application and is still proper and desired.
- c.  is no longer claimed.

7.  A check in the amount of \$1,104.00 is enclosed.

8.  The Commissioner is hereby authorized to credit overpayments or charge any additional fees required under 37 C.F.R. 1.16 and 1.17 to Deposit Account No. 20-0531.

9.  A copy of the Petition and Fee for Extension of Time for One months up to and including February 27, 2001 which was filed for the immediately prior application is enclosed herewith.

10. a.  Receipt for Facsimile Transmittal CPA (PTO/SB/29A).  
 b.  Return Receipt Postcard.

11.  NO FEE IS ENCLOSED AND ANY AUTHORIZATION TO CHARGE THE DEPOSIT ACCOUNT IS EXPRESSLY REVOKED.

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	Respectfully submitted,  Steven J. Frank Attorney for Applicant Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110

2038985